



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

November 17, 2017

BY ECF

The Honorable Valerie E. Caproni
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

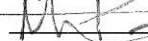
Re: *United States v. Joseph Percoco, et al.*, 16 Cr. 776 (VEC)

Dear Judge Caproni:

On Tuesday, November 14, 2017, the Government intends to begin producing materials, referred to hereinafter as the "3500 Material," to Joseph Percoco, a/k/a "Herb," Peter Galbraith Kelly, Jr., a/k/a "Braith," Steven Aiello, and Joseph Gerardi, the defendants, in compliance with the Government's obligations under the Federal Rules of Criminal Procedure and Title 18, United States Code, Section 3500, as well as *Brady v. Maryland*, 373 U.S. 83 (1963), *Giglio v. United States*, 405 U.S. 150 (1972), and their progeny. In an effort to safeguard certain sensitive and/or confidential material contained in the 3500 Material, the Government, along with counsel for defendants Joseph Percoco, a/k/a "Herb," and Peter Galbraith Kelly, Jr., a/k/a "Braith," have agreed upon a proposed Protective Order. A copy of the proposed Protective Order is enclosed for Your Honor's consideration. Counsel for defendants Steven Aiello and Joseph Gerardi object to the proposed Protective Order. In addition to the proposed Protective Order, the Government has also enclosed an affirmation and application seeking the unsealing of certain Grand Jury testimony the Government intends to produce to defense counsel as 3500 Material.

Respectfully submitted,

PREET BHARARA
United States Attorney for the
Southern District of New York

By: 

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cc: Counsel for all defendants (via ECF)